S.B.Cr.Misc. Bail App. No. 4607/2007
(Malkeet Singh & Anr. Vs. State of Rajasthan)

Date of order : 04/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Rakesh Matoria for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Mr. M.K.Garg for the complainant.

Heard learned counsel for the petitioners and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned.

The Investigating Officer Mr. Chaindan Charan is present in Court along with the police investigation diary. He submits that after investigation the police did not find the offence under Section 436 IPC on the ground that the witnesses who witnessed the occurrence stated that it was the complainant first informant who lit the fire to the hut in order to create possession over the disputed land and thus, no case was found under Section 436 IPC.

On perusal of the case diary, such evidence is available on record. The injuries suffered by the injured are on non-vital parts, however, there is fracture of tibia and fibula alleged to have been caused by petitioner No.1.

Be that as it may, the injuries are on non-vital parts and it was the complainant first informant as found by the police, in order to take possession of the land by creating evidence, burned the hut.

In this view of the matter, looking to the facts and

circumstances of the case, having considered the oral arguments advanced by both the parties, without commenting on the merit of the case which may prejudice the case of either party, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Malkeet Singh S/o Kulwant Singh and Ranjeet Singh S/o Kulwant Singh be released on bail in FIR No. 550/2007 P.S. Anupgarh, district Sri Ganganagar, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP